

LTH/Rebecca

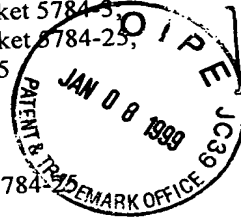
Assistant Commissioner For Patents
Washington, DC 20231

Date Mailed: 1-5-99
Atty. Dkt. No. 5784-3

Application No. 09/187,661; Filing Date Nov. 6, 1998
Inventor(s): Shirley et al.; Title of Invention: "Novel IGF-I Composition and its Use"

Documents Enclosed: 1) Petition to ~~Grant~~ Filing Date and Refund Petition Fee
2) Copy of Utility Patent Application Transmittal for Atty Docket 5784-3
3) Copy of Utility Patent Application Transmittal for Atty Docket 5784-25
4) Copy of Official Filing Receipt for Attorney Docket 5784-25
5) Copy of Postcard for Atty Docket 5784-25
6) Copy of Official Filing Receipt for Atty Docket 5784-3
7) Copy of Postcard for Atty Docket 5784-3
8) Copies of Express Mail slips for Atty Dockets 5784-3 and 5784-25
Check Enclosed \$130.00

Kindly acknowledge receipt by placing office stamp hereon and
returning postcard to : Leslie T. Henry at **ALSTON & BIRD LLP**



~~FC - REF~~ #
~~Room 802~~
Gp 16468

HS

In re: Shirley *et al.*
Appl. No.: 09/187,661
Filed: November 6, 1998
For: NOVEL IGF-I COMPOSITION AND ITS USE

Group Art Unit: 1646
Examiner: Not assigned

PETITION TO GRANT FILING DATE AND TO REFUND PETITION FEE

RECEIVED

JAN 19 1999

MATRIX CUSTOMER
SERVICE CENTER

Sir:

As set forth in MPEP §506.02, Applicants hereby petition to grant the proper filing date of November 6, 1998, rather than November 5, 1998, for the present patent application assigned U.S. Serial No. 09/187,661. The following is enclosed as evidence of November 6, 1998, being the correct filing date under 37 C.F.R. §1.10:

1. A copy of the Utility Application Transmittal Cover Sheet for the present application showing the Express Mail Label No. EM166858928US on page 1 and the Express Mail signature dated November 6, 1998, on page 3;
2. A copy of the Utility Application Transmittal Cover Sheet for concurrently filed U.S. Application Serial No. 09/188,051 showing the Express Mail Label No. EM166858945US on page 1 and the Express Mail signature dated November 6, 1998, on page 3;

01/14/1999 SSALEEKU 00000137 09187661

01 FC:122

130.00 OP

RTA01/2059117v1

Application Title: Showing
Case Number: 07-1689

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JUN 08 1999
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

In re: Shirley *et al.*
Appl. No.: 09/187,661
Filing Date: November 6, 1998
Page 2

3. A copy of the Official Filing Receipt for concurrently filed U.S. Application Serial No. 09/188,051;

4. A copy of our return postcard from the United States Postal Service (USPS) for concurrently filed U.S. Application Serial No. 09/188,051 showing a proper filing date of November 6, 1998;

5. A copy of the Official Filing Receipt for the present application;

6. A copy of our return post card from the USPS for the present application;

7. A copy of the Express Mail Receipt for Express Mail Label No. EM166858928US as marked received by the USPS (the present application); and

8. A copy of the Express Mail Receipt for Express Mail Label No. EM166858945US as marked received by the USPS (the concurrently filed U.S. Application Serial No. 09/188,051).

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JAN 19 1999

POSTMASTER
SERVICE CENTER

The present application was concurrently filed with U.S. Application Serial No. 09/188,051 on November 6, 1998. This is verified by the dated Express Mail signatures on the transmittal cover sheets (see items 1 and 2). The applications are related, and care was taken to file these applications on the same day. The 09/188,051 application was granted the proper filing date of November 6, 1998, as indicated on the Official Filing Receipt and our return postcard for this application (items 3 and 4, respectfully). However, the present application was given a filing date of November 5, 1998, as shown by copies of the Official Filing Receipt and our return postcard for this application (items 5 and 6, respectfully).

The present application was delivered to the USPS concurrently with the 09/188,051 application, as evidenced by the enclosed copies of the Express Mail Receipts for these two applications (items 7 and 8, respectfully). Both of these receipts were marked as being received by the USPS at the same time of day. Applicants note that the receipts were incorrectly dated as being received on November 5, 1998.

The concurrently filed 09/188,051 application was granted the proper filing date of November 6, 1998, in agreement with the November 6, 1998 deposit date recorded by the Express Mail signature on page 3 of its respective Utility Transmittal Cover Sheet. Since the

In re: Shirley *et al.*
Appl. No.: 09/187,661
Filing Date: November 6, 1998
Page 3

present application was deposited with the USPS at the same time as the concurrently filed 09/188,051 application, and since the deposit date recorded by the Express Mail signature on page 3 of the present application's Utility Transmittal Cover Sheet is November 6, 1998, the present application should also be granted a filing date of November 6, 1998.

There is no error on the part of Applicants. These two applications were intended to have the same filing date, and as such, Applicants concurrently filed them with the USPS on November 6, 1998. As the companion 09/188,051 application was granted the proper filing date as recorded by the Express Mail signature on the Utility Application Transmittal Cover Sheet, Applicants respectfully request the granting of November 6, 1998, as the filing date for the present application.

A check in the amount of \$130.00 in payment of the petition fee as set forth in 37 C.F.R. § 1.17(h) is enclosed herewith. Any additional fee may be charged or any overpayment credited to our Deposit Account No. 16-0605. Because no defect existed, however, Applicant also respectfully requests refund of the petition fee.

Respectfully submitted,

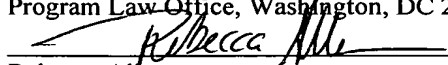


W. Murray Spruill
Attorney for Applicant
Registration No. 32,943

ALSTON & BIRD LLP
Post Office Drawer 34009, Charlotte, NC 28234-4009
Tel Raleigh Office (919) 420-2200
Fax Raleigh Office (919) 420-2260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, ATTN: Special Program Law Office, Washington, DC 20231, on January 5, 1999


Rebecca Allen

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 24 Mar 00

2 Serial/Pat nt # 09/187,661

3 Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

Filing

Amendment

Extension of Time

Notice of Appeal/Appeal

122 Petition

Issue

Cert of Correction/Terminal Disc.

Maintenance

Assignment

Other

5

1-8-99

\$ 130

\$

\$

\$

\$

\$

\$

\$

\$

\$

7 TOTAL AMOUNT
OF REFUND

\$ 130

10 REASON:

Overpayment

Duplicate Payment

X No Fee Due (Explanation):

8 TO BE REFUNDED BY:

☒ Treasury Check

Credit Deposit A/C #:

10--0605

NO FEE REQUIRED FOR A 37 CFR 1.10
PETITION

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: DOUGLAS WOOD

PETITIONS

SIGNATURE: DM

TITLE: ATTORNEY

OFFICE: PETITIONS

PHONE: 308-6918

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: K.E. Pitt

DATE: 04-12-00

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



COPY

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No. 5784-3
	First Inventor or Application Identifier: Shirley, <i>et al.</i>
	Title of Invention: NOVEL IGF-I COMPOSITION AND ITS USE
	Express Mail Label No. EM166858928US

ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Bret A. Shirley
1263 Saddlehill Lane
Concord, California 94521

Maninder S. Hora
202 Viewpoint Drive
Danville, California 94526

1. ☒ The Filing Fee has been calculated as shown below:
(Submit an original, and a duplicate for fee processing)

		Small Entity		Large Entity	
No. Filed	No. Extra	Rate	Fee 0	Rate	Fee 1
BASIC FEE			\$0		\$790
TOTAL CLAIMS:	27 - 20 = 7		X 11 = \$0		x 22 = \$154
INDEP CLAIMS:	6 - 3 = 3		X 41 = \$0		x 82 = \$246
[<input type="checkbox"/>] MULTIPLE DEPENDENT CLAIMS PRESENTED			+135 = \$		+270 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.		TOTAL \$		TOTAL \$ 1,190.00	

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
☒ A check in the amount of \$ 1,190.00 is enclosed.
☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

EM166858928US

2. ☒ Specification; Total Pages 29
3. ☒ 2 Figures, 2 Sheets of Formal Drawing(s) (35 USC 113)
4. ☐ Declaration and Power of Attorney; [Total Pages]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
- i. ☐ DELETION OF INVENTOR(S) Signed statement
attached deleting inventor(s) named in the prior
application, see 37 CFR 1.63(d)(2) & 1.33(b).
5. ☐ Microfiche Computer Program (Appendix)
6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s) (including \$40.00 fee)
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449; Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☐ Small Entity Statement(s)
☐ Statement filed in prior application; status still proper and desired.
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
Foreign Priority is
15. ☐ Other:

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior application No: ____; ____

Prior Application Information: Examiner

Group/Art Unit:

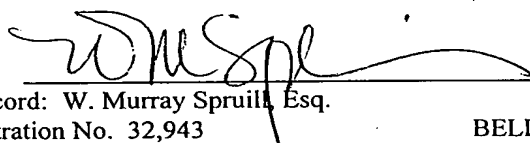
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 000826

Attention Of: CHIRON CORPORATION
ATTN: Joseph H. Guth, Esq.
Intellectual Property - R440
P.O. Box 8097
Emeryville, California 94662-8097

Signature:

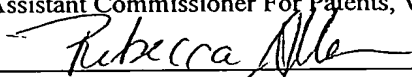


Attorney of Record: W. Murray Spruill, Esq.
Attorney Registration No. 32,943
Tel Raleigh Office (919) 420-2200
Fax Raleigh Office (919) 420-2260

BELL SELTZER Intellectual Property Law Group
ALSTON & BIRD LLP
P.O. Drawer 34009
Charlotte NC 28234-4009

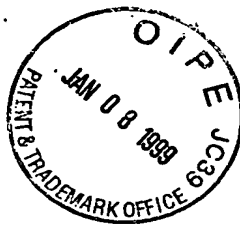
"Express Mail" mailing label number EM166858928US
Date of Deposit November 6, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.



Rebecca Allen

RTA01/2057720v1

**COPY**

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No. 5784-25
	First Inventor or Application Identifier: Shirley, <i>et al.</i>
	Title of Invention: COMPOSITIONS PROVIDING FOR INCREASED IGF-I SOLUBILITY
	Express Mail Label No. EM166858945US

ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Bret A. Shirley, Concord, CA; Kamaljit Bajwa, Danville, CA

1. ☒ The Filing Fee has been calculated as shown below:
(Submit an original, and a duplicate for fee processing)

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$790
TOTAL CLAIMS:	20 - 20 =	0	X 11 = \$0	x 22 = \$0
INDEP CLAIMS:	5 - 3 =	2	X 41 = \$0	x 82 = \$164
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+135 = \$	+270 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 954

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).

☒ A check in the amount of \$ 954.00 is enclosed.

☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

EM166858945US

2. ☒ Specification; Total Pages 23
3. ☒ 5 Figures, 5 Sheets of Formal Drawing(s) (35 USC 113)
4. ☐ Declaration and Power of Attorney; [Total Pages]
 - a. ☐ Newly executed (original or copy)
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(for continuation/divisional with Box 16 completed)
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6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
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ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s) (including \$40.00 fee)
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13. ☐ Small Entity Statement(s)

☐ Statement filed in prior application; status still proper and desired.
14. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
Foreign Priority is
15. ☐ Other:

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior application No: ____; ____

Prior Application Information: Examiner

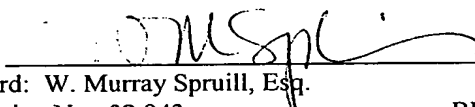
Group/Art Unit:

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17. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 000826

Attention Of: CHIRON CORPORATION
Attn: Joseph H. Guth, Esq.
Intellectual Property - R440
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Emeryville, California 94662-8097

Signature: 

Attorney of Record: W. Murray Spruill, Esq.

Attorney Registration No. 32,943

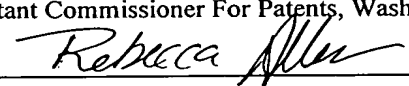
Tel Raleigh Office (919) 420-2200

Fax Raleigh Office (919) 420-2260

BELL SELTZER Intellectual Property Law Group
ALSTON & BIRD LLP
P.O. Drawer 34009
Charlotte NC 28234-4009

"Express Mail" mailing label number EM166858945US
Date of Deposit November 6, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.


Rebecca Allen

RTA01/2057738v1

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/188,051	11/06/98	1646	\$872.00	5784-25	5	20	4

000826
BELL SELTZER INTELLECTUAL PROPERTY
ALSTON & BIRD
P O DRAWER 34009
CHARLOTTE NC 28234-4009

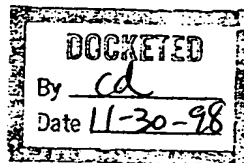
Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s) BRET A. SHIRLEY, CONCORD, CA; KAMALJIT BAJWA, DANVILLE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-
PROVISIONAL APPLICATION NO. 60/064,891 11/07/97

FOREIGN FILING LICENSE GRANTED 11/24/98
TITLE
COMPOSITIONS PROVIDING FOR INCREASED IGF-I SOLUBILITY

PRELIMINARY CLASS: 514



LTH/Rebecca

Assistant Commissioner for Patents
Washington, DC 20231

Date November 6, 1998
File No. 5784-25

Sir:

Kindly acknowledge receipt of the accompanying PATENT APPLICATION
"with Application Transmittal Cover Sheet for: Shirley, et al.;

"COMPOSITIONS PROVIDING FOR INCREASED IFG-I SOLUBILITY"

No. of Pages of Specification <u>23</u>	No. of Claims <u>20</u>
No. of Drawing Sheets <u>5 Figures, 5 Sheets</u>	Declaration Enclosed <u> </u>
IDS with PTO 1449 Enclosed <u> </u> ()	Small Entity Enclosed <u> </u>
Assignment with Cover Sheet Enclosed <u> </u>	
Other Documents Enclosed:	

Check(s) Enclosed \$ 954.00

by placing your receiving date stamp hereon and mailing.

Respectfully,

BELL, SELTZER, PARK & GIBSON
Attorneys for Applicant

Form# 42

jc525 U.S. PTO

09/188051



11/06/98

FILING RECEIPT



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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/187,661	11/05/98	1646	\$1,190.00	5784-3	2	27	6

000826
BELL SELTZER INTELLECTUAL PROPERTY
ALSTON & BIRD
P O DRAWER 34009
CHARLOTTE NC 28234-4009

Alston & Bird

DEC 3 1998

Received By

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

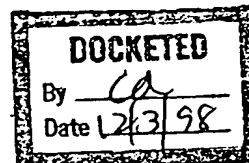
BRET A. SHIRLEY, CONCORD, CA; MANINDER S. HORA,
DANVILLE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

PROVISIONAL APPLICATION NO. 60/064,891 11/07/97
PROVISIONAL APPLICATION NO. 60/096,081 08/11/98

FOREIGN FILING LICENSE GRANTED 11/25/98
TITLE
NOVEL IGF-I COMPOSITION AND ITS USE

PRELIMINARY CLASS: 514



WMS/LTH/Rebecca

Assistant Commissioner for Patents
Washington, DC 20231

Date November 6, 1998
File No. 5784-3

Sir:

Kindly acknowledge receipt of the accompanying PATENT APPLICATION
with Application Transmittal Cover Sheet for: **Shirley, et al**

"NOVEL IGF-I COMPOSITION AND ITS USE"

No. of Pages of Specification 29 No. of Claims 27
No. of Drawing Sheets 2 Figures, 2 sheets Declaration Enclosed _____
IDS with PTO 1449 Enclosed () Small Entity Enclosed _____
Assignment with Cover Sheet Enclosed _____
Other Documents Enclosed:

Check(s) Enclosed \$ 1,190.00
by placing your receiving date stamp hereon and mailing.

Respectfully,

BELL, SELTZER, PARK & GIBSON
Attorneys for Applicant

Form# 42

jc525 U.S. PTO

09/187661

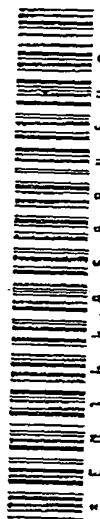


11/05/98

SN54685897LW3



EXPRESS MAIL
UNITED STATES POSTAL SERVICE



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**SEE REVERSE SIDE FOR THE
SERVICE GUARANTEE AND LIMITS
ON THE INSURANCE COVERAGE**

[illegible]

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct No.

Federal Agency Acct. No.

FROM: HOFFMAN, RICHARD

ALSTON & SMITH
3025 GLENWOOD
RALEIGH

(919) 420-2790

STE 310
NC 27612-4457

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, D.C. 20231

LTH/035784-172864

WARRANT OF ARREST (Continued) Only when delivery has been made without obtaining the signature of the addressee or the addressee's agent at the moment of the delivery, the carrier will be held in a secure facility until delivery. The carrier employee is also responsible for the shipment was obtained and understood that the structure of the delivery employee will ensure a valid proof delivery.

NO DELIVERY

WEEKEND	HOLIDAY

TO: D. F. SEBASTIAN.

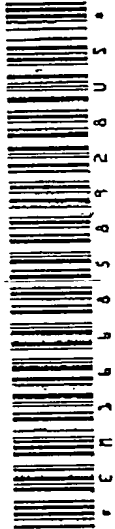
FILED.

Quincy Jones

POST OFFICE
TO ADDRESSEE

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

EM166858928US



ORIGIN (POSTAL USE ONLY)

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11/5/98
1700B
1075

CUSTOMER USE ONLY

METHOD OF PAYMENT: X282641

Express Mail Corporate Acct. No.
Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE (919) 420-2200

ALSTON & BIRD
3605 GLENWOOD AVE
RALEIGH, NC 27612-4957

LTH/035784-172863

TO: (PLEASE PRINT) PICKUP

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, D.C. 20231

SEE REVERSE SIDE FOR THE
SERVICE GUARANTEE AND LIMITS
ON THE INSURANCE COVERAGE